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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) 2:04-CR-0485-GEB
12)
Plaintiff,) PRELIMINARY ORDER OF
13) FORFEITURE
v.)
14)
SANTIAGO ROCERO RIBERAL,)
15 aka Sam Riberal,)
16)
Defendant.)
17

18 Based upon the guilty plea to the Superseding Information
19 entered by defendant Santiago Rocero Riberal aka Sam Riberal, it is
20 hereby

21 ORDERED, ADJUDGED AND DECREED as follows:

22 1. Pursuant to 19 U.S.C. § 2253, defendant Santiago Rocero
23 Riberal aka Sam Riberal's interest in the following property shall
24 be condemned and forfeited to the United States of America, to be
25 disposed of according to law:

- 26 a. Maxtor drive, model no. 91360U4, serial no.
27 C40A2KVC;
28 b. Maxtor drive, model no. 9102102, serial no. G222114C;

- c. Maxtor drive, model no. 2B020H1, serial no. B16RK7NE;
- d. Western Digital drive, model no. AC38400-00RN, serial no. WM621; and
- e. Western Digital drive, model no. WD75AA, serial no. WMA2p.

2. The above-listed property was used or intended to be used to commit or to promote the commission of a violation of 18 U.S.C. § 2252(a)(2) and (b)(1).

3. Pursuant to Rule 32.2(b), the Attorney General (or a designee) shall be authorized to seize the above-described property. That the aforementioned forfeited property shall be seized and held by the United States Marshals Service, in its secure custody and control.

4. a. Pursuant to 18 U.S.C. § 2253(m)(1) incorporating 21 U.S.C. § 853(n), and Local Rule 83-171, the United States forthwith shall publish at least once for three successive weeks in the Stockton Record (San Joaquin County), a newspaper of general circulation located in the county in which the above-described property was seized, notice of this Order, notice of the Attorney General's (or a designee's) intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed property must file a petition with the Court within thirty (30) days of the final publication of the notice or of receipt of actual notice, whichever is earlier.

b. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the

1 petitioner's right, title or interest in the forfeited property and
2 any additional facts supporting the petitioner's claim and the
3 relief sought.

4 c. The United States may also, to the extent practicable,
5 provide direct written notice to any person known to have alleged an
6 interest in the property that is the subject of the Order of
7 Forfeiture, as a substitute for published notice as to those persons
8 so notified.

9 5. If a petition is timely filed, upon adjudication of all
10 third-party interests, if any, this Court will enter a Final Order
11 of Forfeiture pursuant to 18 U.S.C. § 2253 in which all interests
12 will be addressed.

13 IT IS SO ORDERED.

14 Dated: September 2, 2005

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16 /s/ Garland E. Burrell, Jr.
17 GARLAND E. BURRELL, JR.
18 United States District Judge
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